

CHAPTER 2

COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

2.1 MASTER RESPONSE

Several commentors have expressed misunderstanding of the programmatic nature of the EIR by alluding that the EIR does not include specific projects. Because this is a common misconception and a reoccurring inquiry both in written and verbal comment, the CPUC has prepared this master response in order to explain the method for analyzing the potential impacts that may occur as a result of the project and the process developed under CEQA to approve subsequent activities proposed after approval of the project.

APPLICABILITY OF A PROGRAM EIR

As described in detail in **Chapter 1, Executive Summary** and **Chapter 2, Introduction** of the DEIR, the proposal by the applicant (Sempra Communications) does not address any specific construction project, network, or system but instead proposes a Telecommunications Program (the “Project”). The proposed project is intended as a guide for planning, developing and installing telecommunications infrastructure and providing services to customers throughout 15 counties in California. The project proposes several methods for installation of fiber optic cable and related facilities, including open trench, plow, horizontal directional bore, aerial attachments, and transmission tower attachments (i.e., replacement of optical ground wiring).

The document was prepared as a program EIR, pursuant to Section 15168 of the State CEQA Guidelines. A program EIR, a type of first-tier document, is prepared for an agency program or series of actions that can be characterized as one large project and typically utilized for project actions that are closely related either geographically or temporally or for agency plans, policies, or regulatory programs. Program EIRs generally analyze broad environmental effects of the project with the acknowledgement that site-specific environmental review may be required for portions of the project when those aspects are proposed for implementation (CEQA Guidelines Section 15168).

As further explained in the DEIR under **Section 2.3, CEQA Process and Approach to Analysis** (page 2-2), the CPUC chose to use the framework of a Program EIR to broadly analyze the effects of project implementation that could be anticipated to occur as a result of the CPUC approval of the CPCN. The DEIR identifies the potential environmental effects of likely future activities, sets performance standards, and provides mitigation and a compliance process for avoiding or reducing potentially significant impacts to less-than-significant levels, where feasible.

PROJECT REVIEW AND APPROVAL PROCESS

The CPUC developed the Program EIR to establish a clear process for Sempra Communications to obtain approval under CEQA for subsequent activities, e.g., installation of fiber optic facilities within the project area that are proposed in the future consistent with the CPCN. As envisioned by CEQA Guidelines §15168, subsequent full-facilities based activities may only be undertaken after an evaluation occurs of whether the impacts of those activities were covered by the Program EIR¹. Additionally, the Program EIR was developed to ensure CEQA compliance for responsible agencies issuing permits and approvals for proposed activities within the scope of the program analyzed in the EIR. However, the Program EIR will not provide CEQA compliance for projects outside the scope of the document or supercede the permitting authority for other regulatory jurisdictions on all levels of government including local, state and federal.

WORK PLAN SUBMITTAL / REQUEST FOR NOTICE TO PROCEED

Sempra Communications may not begin construction on any subsequent activities without the CPUC first authorizing the construction of such facilities by issuance of a Notice to Proceed (NTP) pursuant to compliance with the Program EIR and acquisition of all other permits from applicable regulatory agencies. To initiate the NTP approval process, Sempra Communications must submit to the Environmental Review Section of the CPUC's Energy Division the proposed route-specific construction plans and a detailed description of the proposed activity in the form of a work plan. The work plan will contain a minimum of the following information (cited from **Appendix A, Attachment A** of the DEIR):

- Applicant's Name and Utility ID Number
- Activity Identification Number
- Proposed Construction Plans
- Project Description
- Environmental Checklist (The applicant must submit an environmental checklist documenting the evaluation of the environmental effects of the proposed work plan to determine whether the environmental effects of the work plan were covered in the Program EIR and which mitigation measures developed within the Program EIR would be applicable to and required for implementation of the work plan.)
- Agency Review (The applicant must identify all required permits for authorization of the proposed activity [e.g., federal, state and local; environmental, air resources board, planning departments, and public works departments])
- Proposed Construction Schedule

If results of the environmental checklist indicate that the environmental effects were not covered in the Program EIR, then Sempra Communications must either revise the work plan to avoid such effects (and revise the checklist as appropriate for re-submission) or submit a complete application (and all accompanying documents) to modify the existing CPCN.

¹ In Decision D.00-06-019 Sempra Communications was previously granted Limited-Facilities Based authority to provide competitive local exchange telecommunications services utilizing unbundled network elements and equipment installed solely within existing buildings and structures. No further review or approval is required for these activities.

NOTIFICATION REQUIREMENTS

Prior to submittal of a work plan, Sempra Communications must identify and submit a list of all trustee and responsible agencies for the work plan, all special districts, and all local jurisdictions (cities and counties) in which activities under the work plan will occur, as well as all regional resource and planning agencies related to the location of the proposed activities. Sempra Communications will provide for review and approval a draft notice of construction, and the list of agencies described above, to the Public Advisor and Energy Division 14 days prior to submittal of the work plan.

The notice shall include the following information:

- Activity Identification Number
- Clear identification of the Utility (i.e., name and utility-ID number)
- A concise description of the proposed construction and facilities; their purpose; and route/location
- A summary of mitigation measures that will be implemented in connection with the activity (e.g., dust-control, noise suppression, species and habitat avoidance; etc.)
- Instructions on how to comment on the proposed construction (contact information at both CPUC and Utility) and deadlines
- Instruction on how to obtain a copy of the work plan submittal to the CPUC
- Proposed dates of construction (i.e., starting date and duration)

Following the approval of the draft notice, Sempra Communications may submit a work plan for the proposed activities specifically described in the notice of construction. **Upon submittal of the work plan to the CPUC, Sempra Communications shall issue the notice of construction and the work plan to all agencies verified by the CPUC and others the CPUC may deem appropriate for a 21-day review period.** Additionally, in conjunction with the agency notification and in coordination with the CPUC, Sempra Communications shall post a notice of construction along the project route and notify all current occupants of properties adjacent to the proposed work plan location(s). Both the agency notification and public notification shall solicit comments on whether the Program EIR and its mitigation covers the work plan and its impacts. **During the 21-day notification period, the CPUC will consider any relevant comments or concerns from the agencies and the public that may substantially influence issuance of an NTP for the proposal.**

CPUC REVIEW AND AUTHORIZATION

CPUC staff will review the work plan and supporting documentation immediately upon receipt of the proposal and provide comments to Sempra Communications. If the work plan is reviewed and it is determined that the activity does not fall within the scope of the Program EIR, then the work plan will be considered outside the scope and subsequent environmental analysis would be required.

If all the information is deemed complete, Sempra Communications shows compliance with the Program EIR, comments received from relevant agencies and the public during notification of the work plan do not indicate any substantially new or more severe impacts, and the information

included in the work plan a) demonstrates that identified impacts are neither broader in scope nor more severe than those previously analyzed in the Program EIR, and b) demonstrates that all proposed mitigation falls within that which was previously disclosed in the Program EIR, the CPUC will issue an NTP within 21 days of the end of the notification period (or 42 days from work plan submittal) regarding their acceptance or denial of the proposed work plan.

2.2 AGENCY MEETING COMMENTS AND RESPONSES

The CPUC hosted a series of agency meetings to receive comment on the Draft Programmatic Environmental Impact Report (DEIR) developed for Semptra Communications. The project area identified in the DEIR encompasses 15 counties in California. The CPUC held four meetings in locations (San Francisco, San Diego, Los Angeles, and Sacramento) determined to be the most central for all interested parties.

COMMENTS / QUESTIONS / ISSUES OF CONCERN (BY MEETING)

SAN FRANCISCO

- Zoe Tyler, U.S. Forest Service, expressed concern that potential projects would impact federal lands and that connections between the applicant and federal processes should be explicitly called out in the DEIS. US Forest Service owns numerous parcels and a number of these are small parcels scattered throughout the state. If projects were to cross onto federal lands, Semptra would be required to complete the NEPA process to satisfy federal requirements. Document should specifically list other agencies that Semptra Communications will have to seek approval from.

Response: Comment noted. The following text will be added to **Section 3.5 Regulatory Environment** as the first bullet on Page 3-46:

- The Forest Service manages National Forests within California that are within or adjacent to the project area. All uses of National Forest System land require a special use authorization that is supported by an environmental analysis, compliant with National Environmental Policy Act (NEPA) requirements.
- Ms. Tyler noted that the document must specifically indicate that this Program EIR is only for the CEQA process and that the DEIR should mention the connection to other processes at the local, state and federal level.

Response: Comment noted. Refer to text revisions (Chapter 3) for specific changes in text to respond to this request.

- Ms. Tyler pointed out that utility easement right-of-ways might already exist through federal lands.

Response: Comment noted.

- Ms. Tyler asked that boundary lines between federal and non-federal land be clarified in document maps.

Response: Due to the improbability that Sempra Communications would propose subsequent activities on federal land and because of the size of the project area, boundary lines between federal and non-federal land will not be clarified on maps included in the DEIR. However, work plans submitted by Sempra Communications will identify boundaries between federal and non-federal lands where applicable.

SAN DIEGO

- David Mayer, California Department of Fish and Game, asked if this document incorporates the findings of the Natural Communities Conservation Plan (Multi-Species Plan) prepared for San Diego Gas & Electric (SDG&E), and if subsequent activities would use existing SDG&E lines and/or easements.

Response: Yes, the DEIR incorporated findings of the Multi-Species Plan in the biological resources analysis and development of mitigation measures to offset potentially significant impacts that were identified.

- Fritz Ortlieb, City of San Diego, asked if approval of this project by CPUC makes Sempra a regulated utility.

Response: Yes, a Certificate of Public Convenience and Necessity (CPCN) would designate Sempra Communications as a regulated utility for telecommunications services in the State of California.

- Mr. Mayer inquired why Imperial County, and not Ventura County and Santa Barbara County, is included in the analysis since many of the environmental review issues are similar.

Response: Sempra Communications did not identify a need at this time to include Ventura and Santa Barbara Counties in its project area. Imperial County, however, presents potential future connections particularly related to possible access to SDG&E (a subsidiary of Sempra Energy) infrastructure.

- Currently, regulated San Diego Gas and Electric is an exclusive and regulated utility. Mr. Ortlieb asked if Sempra is proposing to develop franchises and will there be impacts from additional projects and/or companies. One participant commented that the City of San Diego has limitations on franchises.

Response: At the time that subsequent activities are identified, Sempra Communications will coordinate with each local authority regarding further requirements, including potential franchise agreements that may be required. No impacts are anticipated from additional projects and/or companies that were not disclosed in the DEIR.

- Mr. Ortlieb noted that the City of San Diego has an effort underway to underground the utilities in the county.

Response: Design and installation methods for telecommunications infrastructure will be coordinated with all responsible and trustee agencies, particularly local authorities, prior to implementation. If the City of San Diego requires that Semptra Communications underground all facilities, it would comply as required or negotiate with the City until an agreement between the City and Semptra Communications has been reached regarding construction techniques.

- Participants asked about the FIG (Fiber in Gas) technology and if that technology is included in this project.

Response: FIG technology will not be directly implemented by Semptra Communications, but will analyzed as a separate project currently being proposed by Semptra Energy subsidiaries, Southern California Gas Company and San Diego Gas and Electric (California Utilities).

- Bernice Bigelow, U.S. Forest Service, Cleveland National Forest, wanted to see general routes or broad potential corridors better described in the document. Ms. Bigelow asked if any criteria had been developed to describe the potential routes.

Response: We refer the commentor to the Master Response. No specific or potential routes have been identified for inclusion in the DEIR.

- Ms. Bigelow noted the importance of coordinating with representatives of the Native American population.

Response: Comment noted. Refer to **Mitigation Measure CUL-3a** on page 4.5-25 that discusses consultation and coordination with culturally affiliated Native Americans.

- Lee Thibadeau, City of San Marcos, noted concern over past projects with Semptra Energy. They encouraged CPUC to research past projects and review issues related to Semptra before approving any projects.

Response: Comment noted.

LOS ANGELES

- Gregory Sommer, Caltrans District 7, questioned how approvals for aerial installs would be attained for installations in urban areas and over Caltrans rights of way (specifically highways).

Response: All proposed facility installation would be coordinated with regulatory authorities and pertinent permits would be acquired as necessary. All aerial installations across Caltrans rights-of-way would require a permit from Caltrans prior to any construction activities.

- City of Corona asked if the Fiber in Gas technology is involved with this project.

Response: FIG technology will not be directly implemented by Sempra Communications, but will analyzed as a separate project currently being proposed by Sempra Energy subsidiaries, Southern California Gas Company and San Diego Gas and Electric (California Utilities).

- City of Corona noted its frustrations with companies that have come into the city and in the end provided no service. The City Council is interested in working with Sempra Communications on these projects.

Response: Comment noted.

SACRAMENTO

- CA Department of Fish and Game and US Forest Service encouraged Sempra Communications to begin communications with agency representatives early in the process.

Response: Comment noted.

- Vivienne Nicol, City of Sacramento, noted that the City is currently trying to build fiber into areas to facilitate installation for new businesses locating within the city. Sacramento has established a telecommunications team that would work with potential fiber optic system providers. She encouraged Sempra Communications to communicate early if a project were to be developed in Sacramento.

Response: Comment noted.

2.3 COMMENTS AND RESPONSES

Copies of all letters and other comments received regarding the DEIR follow. Each comment letter has been assigned a letter of the alphabet and each comment within that letter has been assigned a specific number. Written responses to each comment are assigned the same number. Those responses follow each comment letter.



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
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Vallejo, CA 94592
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File Code: 1920-2-1/2720
Date: AUG 26 2002

Mr. John Boccio, CPUC
c/o Environmental Science Associates
436 14th Street, Suite 600
Oakland, CA 94612

Dear Mr. Boccio:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for a Telecommunications Program proposed by Sempra Communications, that would provide telecommunications infrastructure and services to selected markets throughout California using state-of-the-art fiber optic cable technology.


The DEIR programmatically addresses environmental impacts of the proposed project, and acknowledges that site-specific installation and implementation of the proposal may occur on some federal lands. The Forest Service manages National Forests within California that are within or adjacent to your proposed project area. All uses of National Forest System land require a special use authorization that is supported by an environmental analysis, compliant with National Environmental Policy Act (NEPA) requirements. This site-specific NEPA analysis must precede the granting of any special use authorization.

A-1

The Forest Service is interested in a "seamless" approval process and wants to be involved in your planning. I encourage you to make early contact with the Forest Supervisors for any National Forest System land you identify in the site-specific installation and implementation of your proposal, so that all planning requirements and permits can be addressed in a timely fashion.

A-2

Sincerely,


JACK A. BLACKWELL
Regional Forester

cc: Christine Nota, Regional Forester's Representative, Sacramento
Peggy Hernandez, R.O. Lands
Dick Andrews, NEPA Group Leader, Region 5
Raina Fulton, Lands Staff Officer, Angeles National Forest
Bruce Emmens, Lands Staff Officer, Los Padres National Forest
Bernice Bigelow, Planner, Cleveland National Forest
Craig Cowie, Lands Staff Officer, Cleveland National Forest
Ruth Wenstrom, Planner, San Bernardino National Forest
Douglas Pumphrey, Lands Staff Officer, San Bernardino National Forest



**A. UNITED STATES FOREST SERVICE, PACIFIC SOUTHWEST
REGION, JACK A BLACKWELL – REGIONAL FORESTER**

A-1 Comment noted. The CPUC will insure that Sempra Communications is aware that appropriate permits must be obtained from the Forest Service for any subsequent activity that may be proposed on, entirely or in part, National Forest lands within California prior to commencement of construction.

A-2 Comment noted. The CPUC will encourage Sempra Communications to contact the forest supervisors for any National Forest System land identified in site-specific work plans early in the process to ensure permits can be addressed in a timely fashion.



United States Department of the Interior
Fish and Wildlife Service
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



In Reply Refer To:
IWS-SDG-2779.2

SEP 10 2002

Mr. John Boccia
California Public Utilities Commission
c/o Environmental Science Associates
436 14th Street, Suite 600
Oakland, CA 94612

Re: Sempra Communications Application for a Certificate of Public Convenience and Necessity
Draft Program Environmental Impact Report. CPUC A.00-02-020 (SCH No.0200480)

Dear Mr. Boccia:

The U.S. Fish and Wildlife Service (Service), Carlsbad Fish and Wildlife Office, has reviewed the referenced draft Program Environmental Impact Report (EIR) regarding Sempra Communications' proposed Telecommunications Program (Program). The EIR does not address any specific construction project, network, or system, but rather is intended as a guide for planning and implementing telecommunications infrastructure and providing services throughout 15 counties in California. The EIR proposes several methods for installation of fiber optic cable and related facilities, and defines a process for individual project review as specific projects are identified in the future.

The Carlsbad Fish and Wildlife Office offers the following recommendations to assist you in planning for the preservation of sensitive wildlife species and habitat types within the project area, particularly in southern California, and to assist you in complying with pertinent Federal statutes and laws. Additional specific comments on the draft Program EIR are provided in the attached appendix.

1. We recommend that the final EIR include a discussion assessing how individual projects will be evaluated for consistency with regional conservation plans. In San Diego County, we are concerned how future projects will maintain consistency with MHCP (Multiple Habitat Conservation Program), MSCP (Multiple Species Conservation Plan), and NCCP (Natural Community Conservation Planning) design standards. We have similar concerns regarding regional habitat conservation planning efforts in Riverside and Orange counties. B-1
2. Due to the scope of this project, adequate conservation measures need to be taken to minimize fragmentation and maintain the regional distribution of vegetation communities. The final EIR should include an analysis of how project induced impacts may affect fragmentation and isolation of aquatic and terrestrial wildlife and plants at a local and regional scale. The B-2

Program should assure that offsite habitat conservation measures take place as close as possible to the area of project impacts. Potential offsite mitigation areas should be identified within each county, and should complement existing subarea plans and preserve areas.

B-2

3. The final EIR should include an analysis of how project induced impacts may introduce non-native invasive species into native vegetation communities. The Program should include guidelines for individual project Revegetation and Restoration Plans. Project specific mitigation plans should fully offset project related impacts, including proposals for mitigating the cumulative impacts of direct and indirect habitat loss, degradation, or modification. Project impacts should be mitigated through the preservation, restoration, or revegetation of affected habitat types consistent with NCCP guidelines. If restoration or revegetation is proposed, the objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Restoration and revegetation plans should be prepared by persons with specific expertise on the local ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic layout depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology to be employed; (f) measures to control exotic vegetation on-site; (g) a detailed monitoring program which includes provisions for replanting areas where planted materials have not survived; and (h) identification of the agency that will guarantee successful creation of the mitigation habitat and provide for the conservation of the restoration site in perpetuity.

B-3

4. We suggest that specific project review submittals include:

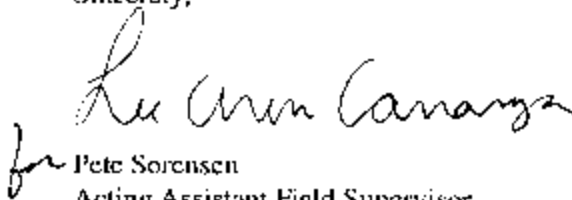
- A description of the biological resources associated with each habitat type in the project area. These descriptions should include both qualitative and quantitative assessments of the resources present within the project area, and include complete species lists for all biological resources.
- A list of federally proposed listed or candidate species, state listed and candidate species, and locally sensitive species including, but not limited to, narrow endemic species that are within the project area. A detailed discussion of these species, including information pertaining to their local status and distribution, should also be included.
- An assessment of direct, indirect, and cumulative project impacts to fish and wildlife species and associated habitats. All facets of the project (e.g., construction, implementation, operation, domestic pets, night lighting) should be included in this assessment.
- An analysis of the consequences of the project on the hydrology of any and all riparian or wetland communities within the sphere of influence of the project. Of particular importance is an analysis of the adequacy of proposed means to convey major flood or runoff flows without impacting or adding pollutants to vegetation off-site or the restoration area.

B-4

- Identification of methods to be employed to prevent discharge and disposal of toxic and/or caustic substances, including oil and gasoline, on the project site, especially during construction.
- Measures to be taken to perpetually protect habitat values, on-site and off-site, that are created during restoration (mitigation). Issues that should be addressed include, restrictions on vehicle and people access, proposed land dedications, monitoring and management programs, control of illegal dumping, and restrictions on lighting near mitigation areas, etc.

The Carlsbad Fish and Wildlife Office appreciates the opportunity to comment on the referenced draft Program EIR. If you have any questions regarding these comments and recommendations, please contact Sandra Marquez at (760) 431-9440.

Sincerely,


for Pete Sorensen
Acting Assistant Field Supervisor

cc: U.S. Fish & Wildlife Service, California/Nevada Office, Sacramento (Attn: Ken Sanchez)
California Department of Fish & Game, San Diego (Attn: William Tippetts)
California Department of Fish & Game, Chino Hills (Attn: Jeff Dronjeson)

The Carlsbad Fish and Wildlife Office offers the following specific comments on the draft Program EIR and the Mitigation Monitoring and Reporting Plan (Appendix B):

Program EIR:

page 3-33	The EIR concludes that no disturbance would occur to sensitive biological resources during construction of bridge attachments, however, the analysis does not consider indirect impacts such as noise.	B-5
page 3-42	Potential impacts to burrowing riparian animals, such as the federally listed arroyo toad, need to be considered when boring under stream crossings.	B-6
page 3-47	We recommend incorporating more extensive construction, maintenance, and operational protocols. Protocols should address: <ul style="list-style-type: none"> • vehicle staging and turn around areas • trash control • pets at the project site • designated parking areas, no parking or driving under oak trees to protect root structures • protocol to follow if previously unidentified protected species are found on site during project activities • compliance monitoring • use of pesticides • construction and design of new access roads to minimize impacts • emergency repairs 	B-7
page 4.4-8	The Sensitive Plant Communities and Associated Wildlife Habitats/Riparian Forest, Woodland and Scrub section, should include the federally listed least Bell's vireo and southwestern willow flycatcher.	B-8
page 4.4-13	The Critical Habitat for Listed Wildlife Species section should include discussion of the designated critical habitat for the least Bell's vireo and Otay tarplant.	B-9
page 4.4-35	Existing Conditions for San Diego County Region should include discussion of coastal bluffs and native grasslands.	B-10

Mitigation Monitoring and Reporting Plan (Appendix B):

BIO.1a	Specific project reviews should be conducted by local biologists, with knowledge of the native wildlife and vegetation in the project area.	B-11
BIO.1b	Biologists overseeing project activities both prior to, and during construction activities, should have 'stop work' authority.	B-12

BIO.1c	To minimize impacts of noise, include noise monitoring and barriers as needed.	B-13
	Revegetation efforts should include monitoring, exotic species removal, success criteria, and reseeding as necessary.	
BIO.2a	The level of pre-construction surveys that will be conducted needs to be defined. Protocol level surveys are required for some listed species.	B-14
BIO.3b	The size of the buffer zone around active nests needs to be specified and the boundary should be clearly marked at the project site.	B-15
	Noise monitoring should be required when there are potential impacts to active nests, and noise barriers should be constructed as needed.	B-16
BIO.4b	"If construction areas are located in paved roads or other highly disturbed ROW, exclusion fencing shall only be constructed around the construction areas when adjacent potential habitat for special-status burrowing mammals is within five feet of the work area." This mitigation measure may not adequately prevent potential impacts to some species that use disturbed areas and are sensitive to human activity, such as burrowing owls. The need to use exclusion fencing will vary according to the proposed construction activities and the species present, therefore no limitations for the use of exclusion fencing should be defined in the Program EIR, but rather the use of exclusion fencing should be determined during the specific project review period.	B-17

B. UNITED STATES FISH AND WILDLIFE SERVICE, CARLSBAD OFFICE, PETE SORENSEN – ACTING FIELD SUPERVISOR

B-1 In the Draft EIR on page 4.4-65, the document states that “Several multi-species HCPs are either under development or have been prepared in the general project region.” and that “...construction activities within undeveloped areas have the potential to conflict with HCPs.” The document states further on that page that “During development of a work plan, Sempra Communications will review local city and county policies, ordinance and *conservation plans*, and comply with all applicable requirements.” The evaluation for consistency with those plans will occur on a local level as they would with other projects of similar nature. The work plan submittal would include as part of the environmental checklist (Appendix A-Attachment B of the DEIR) a list of Habitat Conservation Plans or land management agency policies / regulations application to construction activities in the proposed work area (Environmental Checklist, p. 3). Further, Sempra Communications would be required to demonstrate compliance with said plans / policies / regulations prior to initiation of any construction work proposed in the submitted work plan. Compliance may be demonstrated in proposed work plans by including coordination documents, contact names, and / or compliance certification from the responsible agency. Upon submittal of the work plan to the CPUC, the information in the work plan will be reviewed for accuracy and compliance with the Program EIR prior to issuing a Notice to Proceed (NTP).

B-2 Although the scope of the project and the project area are quite large, substantial fragmentation and isolation of aquatic and terrestrial wildlife and plants are not anticipated from the project on either a local or regional scale. The activities proposed as part of the project include only impacts of temporary nature and complete avoidance of sensitive natural communities wherever feasible. As further discussed on page 4.4-62 of the DEIR under **Mitigation Measure BIO-10a** if avoidance of sensitive habitat is not feasible, only the minimum area necessary to complete the work will be subject to disturbance. Consultation with USFWS, CDFG, and other agencies, as applicable, will determine appropriate compensatory mitigation including habitat restoration, revegetation, conservation easements, and habitat replacement ratios both on-site and off-site. At the time of site-specific work plan submittals, appropriate consultation, as required under **Mitigation Measure BIO-10a** will assess how project impacts may affect fragmentation and isolation of habitat and the proper location of offsite mitigation areas. The Program EIR is not considered the proper avenue to address the potential offsite mitigation areas within each county as multiple areas may change over the life of the document. Therefore, as part of work plan submittal in compliance with Mitigation Measure 10a specifically, Sempra Communications will identify offsite mitigation areas within the county affected by the proposed work plan, and in coordination with responsible agencies, will identify ways in which the proposed offsite mitigation may complement existing subarea plans and preserve areas.

B-3 In compliance with **Mitigation Measure BIO-1c** on page 4.4-49 of the DEIR, when trenching installation occurs on land that is undeveloped, revegetation, where required as a site-specific mitigation measure, shall be accomplished through replacement of topsoil and native plant species, and erosion control measures must be in place prior to the first rain in the fall.

Also, as mentioned in response B-2 above, Sempra Communications will comply with provisions of approved local, regional, or state habitat conservation plans including implementation of mitigation through the preservation, restoration, or revegetation of affected habitat types consistent with those plan guidelines. To further address this comment, the CPUC will add the following language to **Mitigation Measure BIO-1c**:

Revegetation, where required as a site-specific mitigation measure, shall be accomplished through replacement of topsoil and native species, and erosion control measures must be in place prior to the first rain in the fall, or by October 15, whichever is earlier. Exceptions to this cut-off date may be applied for on a case by case basis subject to approval by the appropriate regulatory agency (i.e., CDFG, RWQCB). Revegetation and Restoration Plans will be prepared where applicable to fully offset project related impacts, including proposals for mitigating cumulative impacts of direct and indirect habitat loss, degradation, or modification. Where restoration or revegetation is proposed, the objective will be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Additionally, restoration and revegetation plans shall be prepared by persons with specific expertise on the local ecosystems and native plant revegetation techniques.

Additionally, the commentor provided recommendations (a) through (h) for inclusion in revegetation and restoration plans. Although the wording may be slightly different, the content and goals are generally the same as stated under **Mitigation Measure BIO-10a** on page 4.4-62 where the comparisons are as follows:

Commentor (a): the location of the mitigation site; DEIR: documentation of the type, size and location of the affected area;

Commentor (b): the plant species to be used; DEIR: procurement of appropriate plant materials, including a consideration of the use of local genetic stock;

Commentor (c) and (d): a schematic layout depicting the mitigation area and time of year that planting will occur; DEIR: planting plans showing the location, quantity and of container size of each species to be planted, and the timing and methods of installation;

Commentor (e): a description of the irrigation methodology to be employed; DEIR: irrigation plans, including water source, methods of delivery to each plant, timing and rate of application, criteria for removal of irrigation;

Commentor (f): measures to control exotic vegetation on-site and; DEIR: maintenance activities and schedule to ensure continued functioning of the irrigation system and removal of weeds;

Commentor (g): a detailed monitoring program which includes provision for replanting areas where planted materials have not survived; DEIR: establish monitoring to be conducted for the first year following planting, when plants are most vulnerable to drought stress, disease, damage from grazing or browsing, vandalism, etc.

The CPUC will add as a final bullet under **Mitigation Measure BIO-10a** Commentor (h): identification of the agency that will guarantee successful creation of the mitigation habitat and provide for the conservation of the restoration site in perpetuity; DEIR: identification of the people to be contacted for questions regarding the implementation for the mitigation plan, who also will be responsible for submittal of annual monitoring reports.

B-4 To fully execute the Environmental Checklist (DEIR Appendix A-Attachment B) required to accompany all work plans, Sempra Communications will provide information on both biological and hydrological resources as requested in detail in the checklist form. The CPUC will ensure that the environmental checklist is completed, including each of the bulleted items suggested by USFWS where appropriate for site specific work plans.

B-5 Page 3-33 in the DEIR provides a discussion of aerial facilities in the form of a bridge attachment. The supporting text indicates that bridge attachments are commonly used as a means to avoid unnecessary impacts to biological resources, however, the text does not infer that bridge attachments avoid all potential impacts to those resources, but that the method avoids those that are unnecessary. **Impact BIO-3** and corresponding mitigation measures **BIO-3a** and **BIO-3b** (p. 4.4-54 and 4.4-55) specifically address direct and / or indirect impacts to nesting birds or breeding bats from construction noise and adjacent activity that may result in nest/roost abandonment and loss of young.

B-6 On page 3-42 in the DEIR, the text will be revised to include the following language:

Special consideration would be given to installations involving boring under streams for which pre-construction biological resource surveys (completed as part of documentation of any subsequent activity) identified habitat suitability or occupation by burrowing riparian animals, such as arroyo toads.

B-7 The commentor suggested multiple protocols to incorporate as part of the project. Compliance monitoring is addressed extensively in the MMRP included as Appendix B of the DEIR including procedures for emergency events and repairs (p. B-12 and B-13). The following protocols will be added to “3.6.1 General Protocols for Potential Project Impacts” on p. 3-47 of the DEIR:

- Vehicles must be turned around in established or designated areas only.
- No pets of any kind will be permitted on the project site at any time.
- Designated parking areas shall be established in previously disturbed areas only, and no parking will be permitting under oak trees to protect root structures.
- During construction, all litter and / or construction debris shall be picked up daily and properly disposed of at an appropriate site.
- Use of pesticides is forbidden within the work site unless previously authorized by identified resource agencies such as USFWS or CDFG.

- Protocols will be established for situations where previously unidentified protected species are found onsite during project activities including an agency contact list for proper notification and clearances.
- Construction and design of new access roads will be implemented as such to minimize impacts.

B-8 Comment noted. We refer the commentor to Chapter 3 of this document for appropriate text changes to p. 4.4-8.

B-9 Critical habitat for Otay tarplant is mentioned on p. 4.4-12 under “Critical Habitat for Listed Plant Species.” For inclusion of a discussion of the designated critical habitat for the least Bell’s vireo, we refer the commentor to Chapter 3 of this document for appropriate text changes to p. 4.4-13.

B-10 The following text providing a discussion of coastal bluffs and native grasslands will be added to p. 4.4-35 of the DEIR:

Coastal Bluffs

The Diegan coastal sage scrub community cover steep slopes where soils are shallow and rocky and moisture availability is low. This community often occurs on clay-rich soils that are slow to release stored water. Dominant plant species include low growing soft-woody shrubs such as California sage, coast buckwheat, laurel sumac, black and white sage, and deer broom. Coastal bluff scrub is a sub-community of coastal sage scrub, and is considered a sensitive plant community. Coastal bluff scrub occurs on poorly developed soils of marine terraces on the immediate coast. Many of the same dominant plant species occur in both communities, although several special status plant species occur largely in bluff scrub habitat, including aphanisma, Blochman's dudleya, cliff spurge, and Nuttall's lotus (SANDAG, 2000).

Native Grasslands

Most native perennial grasslands throughout California have been replaced by non-native annual grasslands through a combination of factors including: invasion by exotic plant species pre-adapted to California’s Mediterranean climate; changes in the types of animals present and their grazing patterns; cultivation or other forms of disturbance; and changes in fire regime.

Native perennial grasslands remaining in the San Diego area are quite rare in distribution and are largely unmapped. These grasslands are dominated by perennial bunchgrasses such as purple needlegrass, nodding needlegrass, foothill needlegrass, and deer grass, as well as native herbaceous perennials and annuals including blue-eyed grass, checker mallow, clarkia, and owl’s clover. Dominant species of annual grasslands commonly found in the San Diego area include a mix of grasses such as slender wild oats, ripgut brome, soft chess, rattail fescue, and other opportunistic herbaceous species, such as filaree, bur clover, mustards, cocklebur, and telegraph weed.

B-11 The CPUC does not agree that specific project reviews should require a biological evaluation by a “local” biologist, as numerous biologists may have local knowledge of an area i.e., San Diego County, and be qualified to assess potential impacts on biological resources without physically residing there. The CPUC will, however, revise **Mitigation Measure-1a** on p. 4.4-48 of the DEIR to more extensively define the requirements for specific project reviews as follows:

Sempra Communications shall retain a qualified biologist with local knowledge of the native wildlife and vegetation in the project area to evaluate specific location description, including, as necessary, field assessments of each work plan, and documentation of the findings of this assessment.

B-12 As indicated in the mitigation measure, Sempra will retain qualified biologists. These biologists working for the applicant may stop work at any time as representatives of the applicant or its construction contractors.

Other biologists that may simultaneously be overseeing project activities may represent one of several interests: (1) the CPUC (as third party compliance monitor), or (2) a representative of a state or federal biological agency (CDFG or USFWS), or (3) a local agency (city, county, or public utility). Biologists monitoring on behalf of the CPUC would have the authority to stop work. In the absence of such authority, the standard allowable practice in circumstances where work is at risk of taking a threatened or endangered species is to recommend to the applicant's representatives measures to avoid such risks. The proper chain of authority is from monitor to construction inspector. It is the responsibility of the inspector to act on those recommendations to stay in compliance and avoid a violation. Biologists representing other agencies would likely have authority to stop work in circumstances where work threatened property or facilities owned by the agencies they represent, but would have advisory capacity where work was at risk of harming a threatened or endangered species.

B-13 CPUC will include the following bulleted item as additions to **Mitigation Measure BIO-1c**:

- To minimize impacts of noise, include noise monitoring and barriers as needed.

The recommendation to include elements of revegetation was previously addressed under response **B-3**.

B-14 CPUC will include the following information as an addition to the final bullet under **Mitigation Measure BIO-2a** on p. 4.4-53 of the DEIR:

A qualified wildlife biologist will conduct preconstruction surveys of these areas for aestivation habitat for these species (protocol level surveys or surveys in accordance with guidelines issued by state and/or federal agencies may be required as determined during review of specific work plans).

B-15 The need and size of the required buffer zone around active nests will vary according to the proposed construction activities and the species present in consultation with CDFG and/or USFWS, therefore specific details regarding the size of the buffer zone should not be defined in the Program EIR, but rather the size of the buffer zone should be determined during the review of proposed work plans.

B-16 If construction activities are scheduled during the breeding season, a no-disturbance buffer zone would be established around active nests/roots to avoid potential adverse effects on protected nesting birds and breeding bats. As stated in response **B-15**, the required buffer zone around active nests will vary according to the proposed activities and the species present in consultation with CDFG and/or USFWS. Several breeding birds, i.e. clapper rail and least Bell's vireo, have acoustical sensitivities that will additionally be considered in the establishment of a buffer zone including potentially the requirement for noise monitoring and the creation of noise barriers. The determination for noise monitoring and noise barriers during construction should be determined on a case-by-case consideration by CDFG and/or USFWS of the potential impacts due to the proposed activities. Therefore, the mitigation measure will remain as written, however, the potential requirement has been recognized and will be considered during the specific review period for a work plan.

B-17 The CPUC agrees that there may potentially be proposed construction activities located within paved roads or other highly disturbed ROW where exclusion fencing may be required for burrowing mammals greater than five feet of the work area. Therefore, the final bullet under **Mitigation Measure BIO-4b** on p. 4.4-56 of the DEIR will be deleted. In addition, the following information will replace the deleted text under **Mitigation Measure BIO-4b**:

The need to use exclusion fencing will vary according to the proposed construction activities and the species present, therefore the use of exclusion fencing will be determined by the CPUC in coordination with CDFG and/or USFWS during review of subsequent activities.

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4239



August 28, 2002

Mr. John Boccio
California Public Utilities Commission
c/o Environmental Science Associates
436 14th Street, Suite 600
Oakland, California 94612

RE: Comments on the Sempra Communications Programmatic Environmental Impact Report

Dear Mr. Boccio:

This letter is in response to the draft Programmatic Environmental Impact Report (PEIR) for the Sempra Communications Application for a Certificate of Public Convenience and Necessity (CPUC A.00-02-020). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act, Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act. The Department also administers the Natural Community Conservation Planning program (NCCP). We offer the following comments to the PEIR:

Due to the abbreviated timeframe to respond to projects covered under the Programmatic EIR, for projects located in Los Angeles, Orange, and San Diego counties, we recommend that project-related materials be submitted directly to the Department's South Coast Regional Office located at 4949 Viewridge Avenue in San Diego. Appropriate submittals should also be submitted through the State Clearinghouse.

C-1

Please note that due to the high level of habitat loss from urbanization and agriculture, habitat types considered widespread or common elsewhere often require mitigation in coastal southern California. This includes mitigation for impacts to upland vegetation communities, including annual (non-native) grassland and various forms of chaparral. Mitigation ratios applied to these and other recognized sensitive upland habitats should be consistent with local regulations (e.g., local subarea plans, etc) and/or policies. Mitigations ratios applied should reflect the habitat type, quality, and the presence of sensitive species.

C-2

A species of particular concern in coastal southern California is the federal-listed Threatened, coastal California gnatcatcher (*Poliophtila californica californica*). The recognized breeding season for this species is February 15 through August 30. Impacts to sage scrub should be avoided during this timeframe. In most cases, using this timeframe as an avoidance window would also prevent direct impacts to other breeding species

C-3

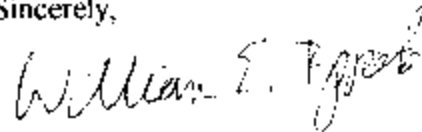
Mr. John Boccio
August 28, 2002
Page 2

When habitat restoration is a component of project mitigation, a revegetation plan should be prepared. The Wildlife Agencies should be afforded the opportunity to review and approve such plans where they occur within established or anticipated preserves, or where the habitat is expected to provide an important contribution to species conservation. Even in instances of temporary impact, mitigation is likely to consist of off-site habitat acquisition and on-site habitat restoration.

C-4

If you have any questions regarding this letter, please contact David Mayer of the Department at 858-467-4234.

Sincerely,



William E. Tippetts
Environmental Program Manager
South Coast Region
California Department of Fish and Game

C. CALIFORNIA DEPARTMENT OF FISH AND GAME, SOUTH COAST REGION, WILLIAM TIPPETS – ENVIRONMENTAL PROGRAM MANAGER

C-1 Comment noted. Work plans proposed in Los Angeles, Orange, and San Diego counties will be submitted directly to the Department's South Coast Regional Office at 4949 Viewridge Avenue in San Diego. Appropriate documents will also be submitted to the State Clearinghouse.

C-2 As stated in the DEIR on page 4.4-65, **Impact BIO-13** indicates that construction activities have the potential to conflict with provisions of approved Habitat Conservation Plans specifically within undeveloped areas. This impact was considered less than significant because during development of a work plan, Sempra Communications will review local, city and county policies, ordinance and conservation plans, and comply with all applicable requirements. Additionally, it is stated that compliance may include submittal of plans for review and approval by local agencies.

Work plans would be prepared in accordance with the DEIR mitigation measures, which set forth a framework and process for fully documenting and evaluating potential effects of subsequent activities on special status species, habitats, and other locally protected biological resources. Additionally, all work plans proposed by Sempra Communications must comply with approved local, city and county ordinances and conservation plans including implementation of mitigation measures for impacts to upland vegetation communities and application of mitigation ratios as appropriate where required. As part of the process outlined in the EIR for subsequent activities, the proposed work plan will be circulated to all responsible and interested agencies and trustees for final review, however, this process will not supercede permitting authority from local, state and federal jurisdictions.

C-3 Impacts to nesting birds as a result of construction that occurs within or adjacent to habitat that may disrupt breeding behavior is addressed in the DEIR on page 4.4-54, **Impact BIO-3**. As the potential exists for nesting birds to occur throughout the project area, mitigation measures in the DEIR (**BIO-3a** and **BIO-3b**, pages 4.4-54 and 4.4-55) address the impacts generally and indicate that construction activities scheduled during the breeding season would be subject to case-by-case consideration of the breeding activity and species. Measures to avoid or minimize disturbance of nesting behavior would be developed in consultation with CDFG and/or USFWS, and would be consistent with previously approved actions with similar circumstances (i.e., Natural Community Conservation Plans [NCCP]). As mentioned by the commentor, coastal California gnatcatcher is federal-listed Threatened and of particular concern in southern California with a breeding season from February 15 through August 30.

A biological report as required under **Mitigation Measure BIO-1a** (page 4.4-48) would identify potential nesting/roosting habitat for special status birds, including California gnatcatcher, and whether any non-breeding season protocols have been established by CDFG and/or USFWS for that species. Measures such as avoidance and passive relocation of species, which are included in

these protocols, would be required for construction activities within or adjacent to suitable habitat.

C-4 As indicated in the DEIR on page 4.4-62, **Mitigation Measure BIO-10a**, removal of sensitive natural communities would be avoided wherever feasible. If avoidance of this habitat is not feasible, only the minimum area necessary to complete the work would be subject to disturbance. Consultation with USFWS, CDFG, and other agencies, as applicable, would determine appropriate compensatory mitigation including habitat restoration, revegetation, conservation easements, and habitat replacement ratios both on-site and off-site. The mitigation measure will further include the following additional text to address the commentors' concerns:

“The Wildlife Agencies, including CDFG and USFWS, will be afforded the opportunity to review and approve the appropriate compensatory mitigations, including revegetation plans, where they occur within established or anticipated preserves, or where the habitat is expected to provide an important contribution to species conservation.”

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



July 31, 2002

Mr. John Boccio
CPUC Environmental Project Manager
C/O Environmental Science Associates
436 14th Street, Suite 600
Oakland, CA 94612

RE: Draft Programmatic Environmental Impact Report (DPEIR), Sempra Communications Telecommunications Development Program (Application No. 00-02-020)

Dear Mr. Boccio:

The Native American Heritage Commission (NAHC) has reviewed the above mentioned Application for a Certificate of Public Convenience and Necessity to implement a Telecommunications Development Program primarily in urbanized areas throughout 15 counties, stretching from Alameda County in the north to Imperial County in the south. It is noted in the document that the cultural resources inventory for the "Area of Project Effect" has not been completed. Also, the exact nature of the undertakings within the APE has not been definitively determined. When those elements are completed the NAHC request copies for review and comment.

D-1

The DPEIR, including Appendix G, "Cultural Resource Procedures", outlines a program for cultural resources assessment and mitigation. Mitigation emphasizes complete avoidance of archaeological resources, which is the mitigation measure primary favored by the NAHC. The document includes provisions for archaeological survey, testing and reporting, Native American consultation, archaeological and Native American monitoring, and provisions addressing inadvertent finds of archaeological resources, including Native American human remains. Curation is also addressed; however, the NAHC requests that culturally affiliated Native Americans participate in decisions regarding the disposition of any Native American artifacts unearthed during the project (other than associated funerary objects, which are addressed under California Public Resources Code). They should also participate in decisions regarding any plans for display and interpretation of any unearthed artifacts, so that they are treated in a culturally sensitive manner.

D-2

If you have any questions, please contact me at (916) 653-4040.

Sincerely,

Rob Wood
Environmental Specialist III

D. NATIVE AMERICAN HERITAGE COMMISSION, ROB WOOD – ENVIRONMENTAL SPECIALIST III

D-1 Comment noted. The Native American Heritage Commission shall be included on review of all work plan submittals for subsequent activities where the Area of Project Effect has been definitely determined.

D-2 Possible substantial effects to human burials from ground disturbing construction operations are discussed in the EIR on page 4.5-25. The text will be revised both in this location and where appropriate in Appendix G, “Cultural Resource Procedures,” to include further language as requested by the commentor as the following:

“Culturally affiliated Native Americans shall participate in decision(s) regarding the disposition of any Native American artifacts unearthed during the project (other than associated funerary objects, which are addressed under California Public Resources Code). They will also participate in decisions regarding any plans for display and interpretation of any unearthed artifacts, so that such artifacts are treated in a culturally sensitive manner.”

DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING – MS 32
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P.O. BOX 942874
SACRAMENTO, CA 94274-0001



PHONE (916) 653-0808
FAX (916) 653-1447
TDD (916) 654-4014

August 26, 2002

California Public Utilities Commission
ATTN: John Boccio
SCH# 2002042114 - Semptra Communications
C/o ESA, 436 14th Street, Suite 600
Oakland, CA 94610

Subject: Caltrans Review of State Clearinghouse (SCH) #2002042114 Draft Program Environmental Impact Report for Semptra Communications Application for a Certificate of Public Convenience and Necessity.

Dear Mr. Boccio:

Thank you for the opportunity to review and comment on this Draft Program Environmental Impact Report for Semptra Communications application for a Certificate of Public Convenience and Necessity. Project location is throughout various counties within the State of California. The California Department of Transportation (Department) has reviewed this document with our Intergovernmental Review (IGR/CEQA) district branches. We have the following general comments:

The Project EIR does not include specific projects. Development of specific projects will need to include a detailed description of project alignments along with the selected construction methodology. Caltrans is concerned about project impacts to State highway facilities and operations and needs to be able to make a clear analysis of potential impacts to the State highway system. Supplemental detailed information should be provided to all contact people for those counties that are within the boundaries of the project. As-built Plans should be provided showing the precise location of the fiber optic cables, etc.

E-1

Construction Staging Plans will be needed for the handling of vehicular and pedestrian traffic disrupted during construction of PROJECT and shall show construction phases, road closures, detours, signs and other pertinent information.

E-2

Caltrans encroachment permits will be needed for all locations where work is within the existing State highway right-of-way or any work that impacts the operation and/or maintenance of the State Highway System. Installation of aerial cables across freeways will require a Caltrans Encroachment Permit. A traffic break will be required while installing cables across freeways. Plans detailing the type and location of support poles will be needed for Caltrans review.

E-3

The Sempra Communications, Inc. fiber optic system should only be installed on conventional highways and frontage roads. However, transverse crossings of freeways are allowed if no poles are placed within State right of way and no service boxes or manholes are placed on or near interchange ramps. The minimum depth of cover for the fiber optic cable must be 914 mm (36 inches).

E-4

Longitudinal encroachments on restricted access right of way (i.e. primarily freeways) are generally not allowed (departmental policy). There is an appeal process that allows exceptions to this general rule. Caltrans encroachment permits are discretionary and not ministerial. Timely application for Caltrans encroachment permits must be made to the District Encroachment Permit Engineer having jurisdiction (district jurisdictions are shown on the attached map). Sufficient time must be allowed for the Permit Engineer and the district Environmental Branch to review the project and its impacts to Caltrans right of way. These reviews might indicate the need for additional studies and clearances.

E-5

All proposed alignments should provide sufficient setbacks to allow for ultimate freeway and highway corridor planned widths, as stated in Caltrans Transportation Concept Reports.

E-6

A construction traffic report will be needed for State highways to determine construction related impacts at signalized intersections and at freeway on/off ramps. Any mitigation measures should be fully discussed.

E-7

Prior to Encroachment Permit application, a Cultural Resource Report with a list of known cultural resources sites along proposed cable alignments within each district will be needed. The applicant must provide appropriate environmental approval for potential environmental impacts with Caltrans' right-of-way. The above referenced project is a federal undertaking. When the applicant does apply for its encroachment permit, they will need to submit their CEQA and NEPA documentation. The applicant is responsible for quantifying impacts and for completing appropriate mitigation measures. The applicant is also responsible for procuring any necessary permits and/or approvals from the regulatory and resource agencies for the improvements within Caltrans' right-of-way.

E-8

Proposed projects may need to conform with the National Pollution Discharge System (NPDES) requirements relating to construction activities. To the maximum extent practicable, Best Management Practices will need to be implemented to address storm water runoff. The responsible water control agencies will need to review impact to drainage and storm water runoff facilities.

E-9

A Hazardous Materials Investigation will be needed including Initial Site Investigations and if required, a remedial action plan.

E-10

It is recommended that construction related truck trips on State highways be limited to off-peak periods. Transport of oversize or overweight vehicles on State highways will need a Transportation Permit from the California Department of Transportation.

E-11

Above ground features associated with the fiber optics cable alignments should be of sufficient distance to not detract from scenic highway resources. Field evaluations should be made to determine if 1,000 feet, as mentioned in the DPEIR, is sufficient based on the size of the above ground features.

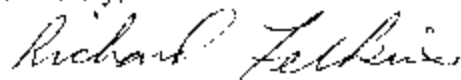
E-12

In addition to application with the District Encroachment Permit Engineer, whenever encroachment involves a Caltrans bridge structure, please submit the necessary information to Nick Burmas of our headquarters Division of Structures Hydrology. Mr. Burmas can be reached at (916) 227-9478.

E-13

Please contact the appropriate district personnel as identified on the attached map with the exception of the Division of Structures Hydrology. All other questions may be directed to me at (916) 653-0808.

Sincerely,



Richard Felkins, Coordinator
Caltrans Intergovernmental
Review Program

Attachments

cc: District 3, Ken Champion
District 4, Paul Svedersky
District 5, David M. Murray
District 6, Mark Birnbaum
District 7, Steve Buswell
District 8, Linda Grimes
District 11, Lu Salazar
District 12, Bob Joseph
Nick Burmas, HQ Structures Hyd. MS 9
Paul Cavanaugh, HQ Encroachment Permits
Becky Frank, State Clearinghouse, SCH# 2002042114

HQ Transportation Planning
P.O. Box 942874
Sacramento, CA 94274-0001 *
Phone: 916-653-1637

Caltrans Planning Contacts

District 1
1656 Union Street
P. O. Box 3770
Eureka, CA 95502-3770 *
Phone: (707) 445-6333

District 4
P.O. Box 23660
Oakland, CA 94623-0660 *
Phone: (510) 285-6196

District 7
120 South Spring Street
Los Angeles, CA 90012
Phone: (213) 897-4279

District 10
1976 East Charter Way
P.O. Box 2048
Stockton, CA 95201
Phone: (209) 948-7906

District 2
1657 Riverside Drive
P.O. Box 496073
Redding, CA 96049-6073
Phone: (530) 225-3484

District 5
San Luis Obispo,
CA 93401-5415*
Phone: (805) 549-3130

District 8
464 West Fourth Street
San Bernardino, CA 92401
Phone: (909) 383-4147

District 11
2829 Juan Street
San Diego, CA 92106-5406 *
Phone: (619) 688-6460

District 3
703 B Street
P.O. Box 911
Marysville, CA 95901 *
Phone: (530) 741-4277

District 6
1352 West Olive Avenue
P.O. Box 12616
Phone: (559) 488-4260

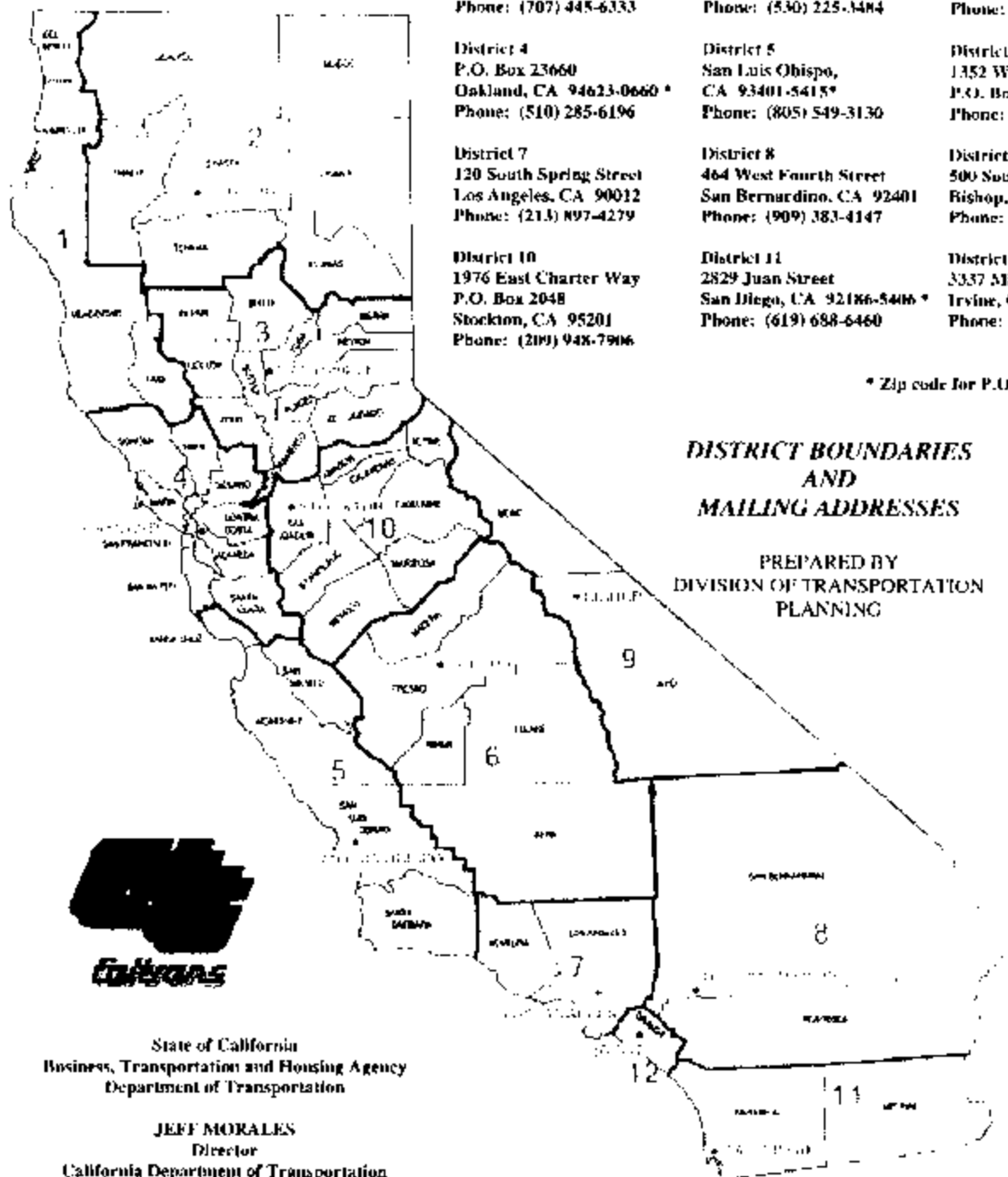
District 9
500 South Main Street
Bishop, CA 93514
Phone: (760) 872-0691

District 12
3337 Michelson Dr, #380
Irvine, CA 92612-8894
Phone: (949) 724-2255

* Zip code for P.O. Box

DISTRICT BOUNDARIES AND MAILING ADDRESSES

PREPARED BY
DIVISION OF TRANSPORTATION
PLANNING



State of California
Business, Transportation and Housing Agency
Department of Transportation

JEFF MORALES
Director
California Department of Transportation
1120 N Street
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Sacramento, CA 94274-0001 *
Phone: (916) 654-2852

**E. CALIFORNIA DEPARTMENT OF TRANSPORTATION,
RICHARD FELKINS – COORDINATOR CALTRANS
INTERGOVERNMENTAL REVIEW PROGRAM**

E-1 We refer the commentor to the Master Response. Specific project alignments are not proposed at this time. Work plans submitted for subsequent activities in compliance with the EIR will include a detailed description of project alignments along with the selected construction methodology. Additionally, work plans will also include a list of agency permits and approvals required prior to construction and demonstrate compliance with those permits by including the application submitted, the individual contacted at the agency or a copy of the permit issued. In conjunction with submitting the work plan to the CPUC, Sempra Communications will also provide a copy and notification to responsible and trustee agencies, including Caltrans, for review of the work plan and compliance with the EIR.

E-2 Comment noted regarding the need for construction staging plans once specific work plans have been identified.

E-3 Comment noted with regard to the information provided on the requirements for a Caltrans encroachment permit.

E-4 Comment noted.

E-5 Comment noted with regard to longitudinal encroachment restrictions and the appeal process that allows exceptions to this general rule.

E-6 Comment noted.

E-7 As indicated in the EIR on page 4.12-14, a traffic control plan will be developed as required by multiple roadway encroachment permits including authorizations from Caltrans. The traffic control plan could include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes minimizing truck traffic on local roadways to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by project construction.

- Install traffic control devices as specified in the Caltrans Manual of Traffic Controls for Construction and Maintenance Work Zones.
- Develop, and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. The access plans would be developed with the facility owner or administrator. To minimize disruption of emergency vehicle access, ask affected jurisdictions to identify detours, which will then be posted by the contractor. Notify in advance the facility owner or operator of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary

E-8 As indicated in the EIR on page 4.5-22, prior to approval of subsequent activities by the CPUC, Sempra Communications will conduct a cultural resources records and literature search review to ascertain whether cultural resources are present within the vicinity of the proposed activity. The results of this Cultural Resources Report will be provided in the work plan submitted to the CPUC for subsequent activities and sent to responsible and trustee agencies, including Caltrans, for review and comment.

The commentor indicates that the above referenced project is a federal undertaking, however, the project as proposed by Sempra Communications to implement a Telecommunications Program is not a federal undertaking, but is only subject to CEQA for authorization by a state agency, and will not be a federal undertaking unless subsequent activities trigger a federal action. If subsequent activities were to trigger a federal action, the NEPA process would be initiated by the lead federal agency, and NEPA documentation would be provided at the time the process is completed.

The commentor further states that the applicant is responsible for quantifying impacts and for completing appropriate mitigation measures. The work plan required for subsequent activities requires the execution of an environmental checklist tailored to the impacts identified in the EIR. The checklist is included in the EIR in Appendix A, Attachment B. A completed checklist, independently analyzed and verified by the CPUC, should quantify all impacts and applicable mitigation measures. Additionally, the CPUC has prepared a Mitigation Monitoring and Reporting Program (MMRP), included in the EIR as Appendix B, that is designed to ensure compliance with the EIR. The MMRP further indicates that requirement for procuring any necessary permits and/or approvals from the regulatory and resource agencies that would be applicable to improvements within Caltrans' right-of-way.

E-9 As indicated in the EIR on page 4.8-12, Sempra Communications would use construction best management practices to minimize sediment transport to streams from uplands in conformance with NPDES requirements relating to construction activities further described on previous subsections on page 4.8-10.

E-10 As indicated in the EIR on page 4.7-8, **Mitigation Measure HAZ-2a**, a list search (or Hazardous Materials Investigation) of known state and federal hazardous waste site and leaking underground tanks within 1,000 feet of the excavation would be conducted prior to construction to identify high risk areas, where a moderate or high potential for encountering contaminated soil or groundwater may exist during shallow excavations.

E-11 Comment noted regarding the requirement for a Transportation Permit from Caltrans for transport of oversize or overweight vehicles on State highways.

E-12 Comment noted.

E-13 Comment noted.

Marin County Community Development Agency

Alex Hinds, Director

August 28, 2002

John Boccio
Public Utilities Commission
436 14th Street, Suite 600
Oakland, CA 94610

Subject: Semptra Communications Telecommunications Certificate of Public Convenience and Necessity Draft EIR State Clearinghouse Number 0200480

Mr. Boccio:

We have received the Draft Program Environmental Impact Report (DEIR) dated July 2002 for the Semptra Communications application for a Certificate of Public Convenience and Necessity. The following is a response from the County of Marin Community Development Agency. The Department of Public Works comments are being sent in a separate transmittal.

The proposed project appears to potentially "Conflict with applicable environmental plans or policies adopted by Marin County" (see State CEQA Guidelines Appendix G "Initial Study Checklist" IX(b). The DEIR, in its Land Use and Planning section, contains several statements regarding the need to comply with local plans, policies, and regulations. Marin County has adopted a Telecommunications Facilities Policy Plan. Its policies include subjects such as siting, facility sharing, land use compatibility, visual and aesthetic compatibility, public safety, a description of existing telecom facilities in the County, and a review process for telecommunication facilities. In addition to the Telecom Ordinance, the Zoning Ordinance may subject telecom facilities to discretionary review. Determination of conformance with applicable plans and policies and environmental review will occur at the time of project application.

F-1

In Marin, there are both miles of existing undergrounded conduit installed and available for fiber optic lines, and existing fiber optic lines installed by another company that went bankrupt, that are potentially available for use. The Alternatives discussion in the DEIR discusses use of existing infrastructure in *Alternative 5: Use Of Existing Infrastructure Only*. While the DEIR emphasizes the potential limitations to this approach, it also acknowledges that it is environmentally superior. When the County approved the underground facilities, it was with the understanding and expectation of future users. Given the potential or even likely availability of this existing infrastructure, to be consistent with Marin County policies and CEQA provisions, the applicant will be required to explore the feasibility of this alternative, and incorporate it into the project where possible. The project description should be modified to include this alternative.

F-2

Another potential issue is the DEIR's discussion of the impacts and mitigations related to trenching adjacent to rights-of-way. This has the potential to impact various habitat types (e.g., wetlands), vegetation (e.g., trees), and scenic resources (e.g., rock outcrops). The mitigations set forth in the DEIR appear to fall short of County requirements, and raise the potential for significant impacts.

F-3

There are several sections of the DEIR stating there is no potential environmental impact and no mitigations suggested for the project (eg's., Transportation and Traffic, TRANS-1, 2, 5, and 6, Utilities and Service Systems, UTL-1) that are directly at odds with County policies. There is potential for significant impact, and the EIR should acknowledge this and emphasize under mitigation measures that final project design, location, etc., will be subject to, and based on, compliance with applicable local plans, policies, and regulations. In particular, the EIR should incorporate compliance with County Streamside Conservation Area and wetland policies, as well as all other relevant Environmental quality-related policies. This would provide some reassurance that the project description and preferred alternative, which are conceptual in nature in the program EIR, will comply with County policies.

F-4

Another example of a compliance issue is potential tree impacts. The County is extensively wooded. The EIR map showing the eastern third of the County as completely urban land use is an overgeneralization. Trenching next to a right-of-way could damage or result in the removal of dozens or even hundreds of trees. Prior to construction, the applicant will have to comply with the County Native Tree Preservation and Protection ordinance, and provide a plan for tree protection consistent with County policies.

F-5

A potential shortcoming in the DEIR concerns seismicity. The County features a length of the San Andreas fault that has experienced lateral movement of 15-20 feet. "Standard engineering practices" described to mitigate this hazard should be specifically identified and may need to be better than a typical standard to address potential impacts of this magnitude.

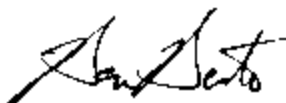
F-6

The Program EIR should summarize, discuss, and focus greater attention on the various information sources and databases that will need to be consulted and incorporated into the project design in order to avoid significant adverse effects. For example, Marin County has archeological resource maps, special status species maps, hazards maps, etc., that will need to be consulted prior to project design, and incorporated into the project.

F-7

Thank you for the opportunity to comment on the draft Program EIR. We look forward to further participation when a specific project is proposed for Marin.

Sincerely,



Ben Berto, AICP
Principal Planner

CC: State Clearinghouse, Governor's Office of Planning and Research, P.O. Box 3044, Sacramento,
CA 95812-3044
Brian Crawford
Eric Steger

F. MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY, BEN BERTO, AICP – PRINCIPAL PLANNER

F-1 Commented Noted. The CPUC as stated in the EIR, agrees with the commentor that the proposed project may potentially conflict with applicable environmental plans or policies including those adopted by Marin County. In the DEIR on page 4.9-22, **Mitigation Measure LUP-1** addresses the potential for conflict by requiring Sempra Communications to comply with local, state and federal plans, policies and regulations. Compliance will be ensured through the implementation of a systematic process required for each subsequent activity.

F-2 The alternatives analysis presented in Chapter 6 (pages 6-1 through 6-7) of the DEIR addressed five alternatives to the proposed project including *Alternative 5: Use of Existing Infrastructure Only* as referenced by the commentor. The project as proposed includes multiple installation methods for development of telecommunications infrastructure to afford flexibility for Sempra Communications to utilize multiple methods of installation depending on several influencing factors including governing authority requirements and/or restrictions, surface conditions, vehicular traffic, and installation costs to reduce impacts to insignificant levels according to the DEIR. The proposed project contemplates Sempra Communications choosing installation methods for a specific location based on a number of factors including engineering feasibility, rights-of-way availability, environmental effects, cost, and construction time factors.

Alternative 5 limits the project to use of existing infrastructure only with no need for ground disturbance or installation of new facilities. Although environmentally superior to the proposed project, a substantial limitation of this alternative is that existing underground duct facilities are absent in large stretches of rural and undeveloped lands throughout the project areas, unlike more urban environments such as cities in Marin County. Moreover, the use of existing infrastructure is extremely limiting to reach potential customers because connections to those customers could only occur where existing infrastructure is present. In many cases, no infrastructure now exists that could be used to reach residential and commercial consumers. However, the CPUC will ensure that Sempra Communications demonstrates that they have coordinated with local authorities and other owners of existing infrastructures to identify the availability of that structure where Sempra Communications may propose to construct to utilize existing infrastructure to the furthest extent feasible.

F-3 The commentor is concerned about the potential direct and indirect impacts related to trenching adjacent to rights-of-way where various habitat types, vegetation, and scenic resources may potential exist. The DEIR addressed these issues in both the **Aesthetics** and **Biological Resources** sections of Chapter 4. Regarding the potential impacts to various habitat types (i.e., wetlands and other sensitive natural communities) and vegetation (i.e., trees and riparian habitat), the DEIR addressed and developed mitigation measures to lessen those impacts to levels of insignificance. **Mitigation Measures BIO-7, BIO-10, BIO-11 and BIO-12** (pages 4.4-58, 4.4-62, 4.4-64 and 4.4-65) were developed specifically to address potentially significant impacts from construction to wetlands and waters of the U.S., sensitive natural communities, trees and special status plant species where avoidance is the preferred method.

Additionally, 14 mitigation measures were developed in the DEIR under the **Biological Resources Section** of Chapter 4 specifically to lessen potentially significant impacts to special status species that may result from construction occurring within or adjacent to habitat that supports those species. Potentially significant impacts to scenic resources are addressed in the DEIR on page 4.1-9 under **Mitigation Measure AES-1a** requiring Sempra Communications to identify scenic resources within 1,500 feet of the proposed activity and attempt to locate all substantial features a minimum of 1,000 feet away from those resources.

The commentor also stated that the mitigation measures appeared to fall short of County requirements. In the event that local requirements are more stringent than those developed in the DEIR, the local requirements would be addressed as required by Sempra Communications, and the CPUC does not supercede any local, state or federal agency requirements that may be in excess of those outlined in the DEIR.

F-4 The DEIR identifies six traffic impacts that may potentially result during construction activities during installation of fiber optic cable and related facilities (**TRA-1 through TRA-6**, pages 4.12-14 through 4.12-19). Each of the impacts identified were considered less than significant because Sempra Communications would obtain and comply with local and state road encroachment permits, including the development of a traffic control plan that addresses lane closures, temporary traffic disruption, increase in vehicular construction activities, emergency access and demand for construction related parking access. In addition to the requirement for encroachment permits, **Mitigation Measure LUP-1** in the DEIR on page 4.9-22, requires the applicant to comply with local, state, and federal plans, policies, and regulations for final project design, location, etc, including, but not limited to, other relevant environmental quality-related policies. The CPUC will revise the text to ensure that this requirement is clear.

Impact TRA-1 on page 4.12-15 (also referenced in **TRA-2 through TRA-6**) will include the following language:

“This impact would be considered potentially significant, however, because Sempra Communication would obtain and comply with local and state road encroachment permits, and railroad encroachment permits, and applicable local plans, policies, and regulations, this would be a less than significant impact.”

Mitigation Measure LUP-1 on page 4.9-22 will be revised to read as follows:

“The applicant shall comply with local, state, and federal plans, policies, and regulations including all other relevant environmental quality-related policies (i.e., County Streamside Conservation Area and wetland policies).”

The **Utilities and Service Systems** section in the DEIR on page 4.13-3 identified a potential impact (**UTL-1**) during construction that could affect and disrupt delivery of utility services. Prior to construction, Sempra Communications would identify underground utilities and service connections by contacting “Dig Alert,” “One-Call” or a similar underground utility contractor and determine the exact utility locations by hand-excavated test pits dug at locations determined and

approved by the construction manager (also referred to as “pot-holing”). Temporary disruption of service may also be required to allow for construction, however no service on such lines would be disrupted until prior approval is received from the construction manager and the service provider. By complying with these conditions as stated in the DEIR, impacts to utilities and service systems would be less than significant. If Marin County policies require additional measures, Semptra Communications would comply with those measures by coordination and acquisition of any permits from the County.

F-5 The CPUC agrees with the commentor that categorizing the eastern portion of Marin County as completely urban land use is an overgeneralization. As no specific activities are proposed by Semptra Communications in the EIR, the project area was selected by means of several factors including urbanization demonstrated by Census 2000 data, incorporated municipal boundaries, and areas with potential for future telecommunications infrastructure needs.

However, in the event that tree removal were necessary, page 4.4-65 of the EIR, **Mitigation Measures BIO-12a**, includes a mitigation for project impacts to protected trees including the development and implementation of a Tree Protection Plan, where required, in coordination with local jurisdictions, to prevent impacts to protected trees both within or adjacent to proposed work areas.

F-6 The project area includes lengths of several faults, such as the San Andreas fault that has experienced substantial lateral movements, where design and construction of the proposed structure would be required to comply with geotechnical recommendations that incorporate applicable UBC standards. Additionally, the prefabricated OP-AMP station structures, if proposed, would not be inhabited and would be certified by the manufacturer to meet necessary seismic design standards. Therefore, any damage during a seismic event would not affect humans or the environment. Ground-shaking is considered a less than significant impact because the proposed project would not result in an increased exposure of individuals to the adverse effects of ground-shaking or increase the severity of the ground-shaking in the project area. The only impact that may potentially occur during an earthquake would be damage to the facilities resulting in temporary disruption of communication on the affected networks, thereby indirectly affecting communications between public service entities and/or service providers. This identified impact would not be considered hazardous and therefore, also not considered significant.

F-7 **Mitigation Measure LUP-1** on page 4.9-22 will be revised, in addition to the revisions in response to comment **F-4** to read as follows:

“During the initial design stages of subsequent activities, the applicant shall consult with local planning staff to determine any required permits, and to assess the activity’s consistency with relevant land use plans, policies, zoning and relevant ordinances. Additionally, Semptra Communications shall review any sources or databases prepared by local jurisdictions to recover information that may not be available from statewide or federal information sources (i.e., CNDDDB, NAHC, CHRIS, or Phase I hazardous materials searches).”



DEPARTMENT OF PUBLIC WORKS

P. O. Box 4186, San Rafael, CA 94913-4186 • 415/499-6528 • FAX 415/499-3799

August 28, 2002

Mehdi Madjid-Sadjadi, P. E.
Director

Mr. John Boccio, CPUC
c/o Environmental Science Associates
436 14th Street, Suite 600
Oakland, CA 94612-2727

RE: Comments on Draft Environmental Impact Report (DEIR)
Sempra Communications' Application for a Certification
Of Public Convenience and Necessity (CPUC A.00-02-020)

Dear Mr. Boccio:

The Marin County Department of Public Works (DPW) appreciates the opportunity to provide comments on the subject DEIR. Our specific comments and concern are as follows:

1) The County maintains hundred of miles of roads, streets and related facilities such as bridges and culverts. The DEIR should clearly identify the specific locations where facilities would be installed, the precise nature of those facilities, e.g. above ground vs. underground, size of vaults, and the construction techniques to be used at the various locations. The information should also assess maintenance of the facilities and the impacts to traffic and the communities. This information is needed to adequately assess impacts on traffic flow/disruption and the County's transportation facilities.

G-1

2) The County recently passed an ordinance (No. 3344) requiring a right-of-way agreement for installation of major encroachments in the County right-of-way, prohibiting excavations in recently resurfaced roads, and setting standards for restoration of roads. DPW expects Sempra will be subject to entering into an agreement with the County and paying the required right-of-way usage fee. In addition, Sempra shall notify other existing and potential right-of-way users of the proposed work, and possibly perform work within the right-of-way jointly with the other users.

G-2

3) The proposed project shall comply with the County's local ordinance requiring encroachment permits for any facility that are constructed in the right-of-way, and the project must comply with the time, place, and manner restrictions established in the permit.

G-3

4) The type location and height of any proposed ground structure is subject to review and approval of the County's Community Development Agency.

G-4

ADMINISTRATION
415/499 6570

ACCOUNTING
415/499 6528

AIRPORT
451-A AIRPORT ROAD
NOVATO, CA 94945
415/897 1754
Fax 415/897 3264

BUILDING MAINTENANCE
415/499 6576
Fax 415/499-3250

CAPITAL PROJECTS
415/499 7877
Fax 415/499 3724

ENGINEERING & SURVEY
415/499 7877
Fax 415/499-3724

COUNTY GARAGE
415/499 7380
Fax 415/499 3738

LAND DEVELOPMENT &
FLOOD CONTROL DISTRICT
415/499-6549

PRINTING
415/499-6377
Fax 415/499-6617

COUNTY PURCHASING AGENT
415/499-6371

COMMUNICATION MAINTENANCE
415/499-7373
Fax 415/499-3738

REAL ESTATE
415/499 6578
Fax 415/446 7373

ROAD MAINTENANCE
415/499 7388
Fax 415/499-3636

TRAFFIC ENGINEERING
415 499 6528

TRANSIT DISTRICT
415 499 6009
Fax 415-499-6049

WASTE MANAGEMENT
415 499 6617

Approval does not supercede the authority of the Road Commissioner/Director of Public Works to issue or deny an encroachment permit or impose conditions upon issuance of an encroachment permit. In addition, vesting and permit duration shall not be deemed to restrict the rights of the Road Commissioner/Director of Public Works to require, at the applicants expense, the protection, support, temporary disconnection, relocation or removal of any facility owned or operated, or maintained by the applicant.

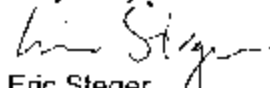
G-4

5) The construction activities shall not result in any delay to emergency vehicles.

G-5

Please place DPW on the interested party list. Contact us if you need any additional information.

Very Truly Yours,



Eric Steger
Associate Engineer

c: Craig Tackabery
Tim Haddad, CDA
Ben Berto, CDA

sempradeircomments.doc

**G. MARIN COUNTY DEPARTMENT OF PUBLIC WORKS,
ERIC STEGER – ASSOCIATE ENGINEER**

G-1 We refer the commentor to the Master Response. The Marin County Department of Public Works will be notified when specific work plans are proposed and submitted to the CPUC for review.

G-2 Comment noted.

G-3 Comment noted.

G-4 Comment noted.

G-5 Comment noted.



MARIN
TELECOMMUNICATIONS
AGENCY

27 Commercial Blvd., Suite C
DUBLIN, CA 94568
TEL 916 835 7104
FAX 916 835 7055
WWW.MTA-PUBLIC.ORG

August 28, 2002

State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

RE: Comments Regarding the Draft Program Environmental Impact Report for Certificate of
Public Convenience and Necessity for Sempra Communications
(CPUC Application A 00-62-020)

To Whom It May Concern:

On behalf of the Marin Telecommunications Agency, I provide the following comments on the
subject draft EIR:

1. The draft EIR should identify what services Sempra Communications plans to
provide over the proposed fiber optic cabling, i.e., telephony, video, high-speed
data transmission, and/or Internet access. H-1
2. The regulatory responsibilities of Marin cities, towns and the County are
dependent on the type of service being offered. H-2

Very truly yours,

Martin J. Nichols,
Executive Director

MTN/mel

cc: MTA Board of Directors (w/Enclosure)
Greg Stepanicich (w/Enclosure)
Environmental Science Associates (w/Enclosure)

Enclosures

H. MARIN TELECOMMUNICATIONS AGENCY, MARTIN J. NICHOLS – EXECUTIVE DIRECTOR

H-1 Sempra Communications any provide several different services over the proposed fiber optic cabling including telephony, video, high-speed data transmission, and/or Internet access.

H-2 Comment noted. The CPUC will ensure the Marin Telecommunications Agency will be included on the list to be notified regarding any subsequent activities proposed by Sempra Communications in Marin County to determine the regulatory responsibilities of Marin cities.



COUNTY OF SACRAMENTO PUBLIC WORKS AGENCY

DEPARTMENT OF TRANSPORTATION
906 G Street, Suite 510
Sacramento, California 95814-1812
(916) 874-6291/5966 • Fax No. (916) 874-7831

July 26, 2002

Mr. John Boccio
Environmental Science Associates
536 14th Street, #600
Oakland, CA 94612

Subject: Agency Meeting Regarding the Draft Program Environmental Impact Report (DPEIR) for Certificate of Public Convenience and Necessity for Sempra Communications Telecommunications Program.

Dear Mr. Boccio:

The Sacramento County Department of Transportation appreciates the opportunity to comment on the above referenced project. We have no specific comments at this time.

I-1

If you have any questions please call me at 874-5966.

Sincerely,

Jeffrey E. Clark, P.E., T.E.
Senior Civil Engineer

JEC:jcc

c. Mike Penrose
Steve Hong, IFS

**I. COUNTY OF SACRAMENTO PUBLIC WORKS AGENCY,
JEFFREY E. CLARK, P.E., T.E. – SENIOR CIVIL ENGINEER**

I-1 Comment noted.



CITY OF SAN RAMON

2222 CAMINO RAMON
P.O. Box 5148
SAN RAMON, CALIFORNIA 94583
PHONE: (925) 973-2500
Web Site: www.sanramon.ca.gov

August 27, 2002

John Boccio, CPUC
c/o Environmental Science Associates
436 14th St., Suite 600
Oakland, CA 94612-2127

Also sent via fax to (510) 839-5825
and via e-mail to semprafiber@esaassoc.com

Subject: Draft Program Environmental Impact Report for the SEMPRA Fiber Optic Cable Installation & Telecommunications Program.
(CPUC File No. A-00-02-020 & SCIT No. 2002042114)

General Location: Primarily Urbanized Areas throughout 15 Counties in California, including the San Ramon Area *(not yet site specific)*

Dear Mr. Boccio:

Thank you for referring the above-mentioned project to the City of San Ramon for comment. The general project location encompasses many urban areas within the State of California, including the San Ramon area. Therefore, we have reviewed the Draft Program EIR for compliance with San Ramon policies and ordinances.

We understand that given the non-specific nature of the project, the objective of the Program EIR is to establish a process for implementing mitigation measures, related monitoring, and performance standards for future site specific telecommunications projects, networks or systems. These future projects may include fiber optic cables and related facilities, open trench, plows, above ground structures, and attachments to transmission towers; all of which would be subject to the subsequent review and permitting processes of local agencies.

Mitigation Measures AES-2a and IUP-1a state that the applicant shall comply with local regulations, plans and policies; and that all projects shall restore areas disturbed by construction to their pre-project condition. Please be advised that in addition to local land use and zoning requirements, which includes the City of San Ramon Telecommunications Ordinance (currently underway), site specific proposals may be subject to encroachment permits, grading permits, building permits, or any other applicable local permit or process.

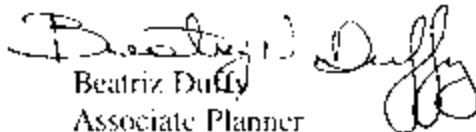
J-1

We recommend that the applicant establish contact with the City of San Ramon Development Services Department as soon as feasible to ensure that all planning, engineering and building requirements are discussed and addressed early in the design process. Early local involvement could facilitate the process as site specific permitting requirements could ultimately affect site selection for the SEMPRA telecommunications infrastructure.

J-2

We appreciate the opportunity to review this project as well as future site-specific proposals within the City of San Ramon and/or our Sphere of Influence. If you would like to discuss the comments on this letter, please don't hesitate to contact me at (925) 973-2572 or via email at bduffy@sanramon.ca.gov.

Sincerely,


Beatriz Duffy
Associate Planner

Cc: Joye Fukuda, Development Services Department
Phil Wong, Planning Division
Victoria Walker, Planning Division
Stanley Fung, Engineering Division
Alina Roshal, Building Division

**J. CITY OF SAN RAMON, BEATRIZ DUFFY – ASSOCIATE
PLANNER**

J-1 Comment noted. The text in the EIR on page 4.9-21 under **Impact LUP-1**, will be revised to include read the following:

“Sempra Communications would be required to obtain encroachment permits to work on public roadway rights-of-way and cross railroad lines and highways, and would obtain any land use permits (e.g., conditional use permits), encroachment permits, grading permits, building permits, or any other applicable local permit or process to comply with local regulations governing land use.”

J-2 Comment noted.

Mr. John Boccio, CPUC
c/o Environmental Science Associates
436 14th St., Suite. 600
Oakland, CA 94612-2727

Re: Draft Program Environmental Impact Report for
Sempra Communications' Application for a Certificate of Public
Convenience and Necessity
CPUC A.00-02-020

Dear Mr. Boccio:

Sempra Communications has reviewed the Draft Program Environmental Impact Report ("DPEIR") prepared for its application for a CPCN and has found it to be a very complete and thorough description of our proposed action. We do, however, have a few comments:

Mitigation Measure AGR-1b (pages 1-6, 4.2-8 and B-17): This mitigation measure would require Sempra Communications to "consult with all potentially affected landowners" of agricultural land through which an activity would be undertaken. This may not be possible for several reasons. First, landowners may not be reasonably accessible, particularly in instances when land has been leased to others for agricultural uses. In these instances, consultation with tenants may be preferable. Second, landowners may simply refuse to consult with us. Thus, we suggest that the mitigation measure be changed to read:

K-1

Sempra Communications shall use its best efforts to consult with all potentially affected landowners or tenants associated with installation of fiber optic cable facilities in portions of the activity area that cross farmland as part of the right of way use or land acquisition process.

Mitigation Measure AIR-1a (pages 1-7, 4.3-43, and B-17-B-18): This mitigation measure requires that certain water applications be made under specified circumstances for Sempra Communications' activities. We suggest that some allowance be made for circumstances where the ground is already moist, such as during or after a storm. We also suggest one minor change to clarify that the dust abatement is to address only impacts that are due to Sempra Communications' activities. We propose the following changes:

K-2

Sempra Communications would require construction contractors to implement the following construction dust abatement program:

- Water all active construction areas at least twice daily, unless the soil is already sufficiently damp;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, unless the soil is already sufficiently damp;
- Sweep daily (with water sweepers) all paved surfaces at construction sites; and
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets as a result of Sempra Communications' activities.

K-2

Mitigation Measure HAZ-2b and -2c (page B-58): We suggest that the Mitigation Monitoring Plan, Table B-4, be slightly changed to more accurately reflect the actual mitigation measure proposed in the DPEIR text at page 4.7-8:

Characterize soils excavated in high-risk areas for disposal if they are suspected of being contaminated.

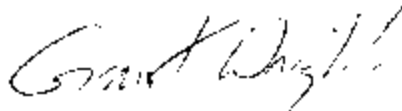
K-3

Test groundwater for petroleum hydrocarbons in high-risk areas before dewatering.

We believe these few clarifications will help the DPEIR achieve the mitigation that was intended.

We have appreciated the opportunity to work together with you on completing the CEQA process for Sempra Communications' CPCN.

Very truly yours,



Grant Wright

External Affairs - Regulatory Policy & Analysis
Sempra Energy Global Enterprises

K. SEMPRA ENERGY GLOBAL ENTERPRISES, GRANT WRIGHT – EXTERNAL AFFAIRS, REGULATORY POLICY & ANALYSIS

K-1 Suggested revisions addressing the potential inaccessibility of landowners do not alter the effectiveness of the mitigation measure to offset the potential significance of project impacts to agricultural land. The following revisions will be included in the text on pages 1-6, 4.2-8, and B-17 as follows:

Mitigation Measure AGR-1b: Sempra Communications' shall consult to the greatest extent feasible with all potentially affected landowners or tenants associated with installation of fiber optic cable facilities in portions of the project area that crosses farmland as part of the right of way use or land acquisition process.

K-2 Suggested revisions pertaining to Mitigation Measure AIR-1a will be incorporated as requested because they do not alter the effectiveness of the mitigation measure to offset the potential significant of project impacts to air quality. The following revisions will be included in the text on pages 1-7, 4.3-43, and B-17 to B-18:

Mitigation Measure AIR-1a: Sempra Communications would require construction contractors to implement the following construction dust abatement program during activities conducted by Sempra Communications:

- Water all active construction areas at least twice daily, unless the soil is already sufficiently damp;
- Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites, unless the soil is already sufficiently damp;
- Sweep daily (with water sweepers) all paved surfaces at construction sites; and
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

K-3 Comment noted. Text in the MMRP will be revised to reflect the mitigation measure presented in the EIR as follows in **Table B-4** on page B-58:

Characterize soils excavated in high-risk areas for disposal if they are suspected of being contaminated.

Test groundwater for petroleum hydrocarbons in high-risk areas before dewatering.



OFFICE OF: City Manager

(909) 736-2370
(909) 736-2493 FAX

815 WEST SIXTH STREET, P.O. BOX 940, CORONA, CALIFORNIA 92878-0940
www.ci.corona.ca.us

Hand Delivered

August 14, 2002

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Re: SEMPRA Communications Draft Program EIR
Application No. 00-0-020

Dear Commissioners:

Thank you for the opportunity to review the above referenced Draft EIR Program. Based on the City of Corona's review of the draft EIR, it is apparent that the Program EIR is very broad and will require subsequent applications and approvals to complete the construction evaluation.

We appreciate the mitigation measures which require the project to comply with all local ordinances, regulations, and plans. While most of our concerns following the review of the Notice of Preparation (NOP) have been addressed, we want to restate the following comments specific to the City of Corona:

1. The City is in the process of developing a Telecommunications Master Plan. Any plans of SEMPRA should be consistent with the provisions of the plan, including its route in and through the City and the exact location of any facilities within the rights-of-way. L-1
2. The proposed project shall comply with the City's local ordinance requiring a rights-of-way Agreement for any facilities that are constructed in the ROW, and the project must comply with the time, place, and manner restrictions established in the agreement, including under grounding and relocation requirements. Given the limited space available to house various utility lines, the route selection will likely be based on the roadway capacity and the least amount of interference with any other uses. L-2
3. The proposed project shall comply with any and all reasonable construction and development standards required by the City. L-3

4. The type, location, and height of any proposed above ground structures is subject to the review and approval of the City Planning Department and subject to the City's Telecommunications Ordinance.

L-4

5. The proposed regenerator/OP-AMP stations (the 12x30 foot buildings discussed on page 5 of the NOP) will not be located within the rights-of-way. The location, construction, and operation of such facilities are subject to full compliance with all the City's land use and development ordinances, regulations, and standards.

L-5

Additionally, we want to call your attention to a correction that will likely be mentioned by Riverside County. Table 4.9-2 states the Multi Species Habitat Conservation Plan (MSHCP) is solely concerned with Riverside Sage Scrub. It is our understanding that the MSHCP has many different habitat types included equally as important, such as Coastal Sage, riparian, vernal pools, close endemics, etc. Further, the Program EIR notes that the K-rat plan is in planning, when in reality, the K-rat plan has been adopted for many years.

L-6

Again, thank you for the opportunity to submit these comments. Should you have additional questions, please contact Beth Groves at (909) 736-2375.

Sincerely,


George Guayante
City Manager

c: Beth Groves, Deputy City Manager
Peggy Temple, Planning Manager
Ati Eskandari, Senior Associate Engineer
Don Williams, Utilities Administration Manager
Laura Manchester, Special Project Consultant

L. CITY OF CORONA, GEORGE GUAYANTE– CITY MANAGER

L-1 As also discussed in response to Comment F-1, **Mitigation Measure LUP-1** addresses the potential for conflict by requiring Sempra Communications to comply with local, state and federal plans, policies and regulations. Compliance will be ensured through the implementation of a systematic process required for each subsequent activity.

L-2 Comment noted with regard to the information provided on the City’s local ordinance requiring a right-of-way Agreement for any facilities that are constructed in the City’s right-of-way.

L-3 Comment noted.

L-4 Comment noted with regard to information on the City’s Telecommunication Ordinance requirements related to the type, location and height of any proposed above ground structures.

L-5 Comment noted. We also refer the commentor to the response to Comment L-1.

L-6 **Table 4.9-2** on page 4.9-20 of the DEIR indicates “Key Habitats” for Habitat Conservation Plan and Natural Community Conservation Plans for each county in the project area. The table was not designed to elude that the conservation plan for each county is solely concerned with the indicated key habitat.

The CPUC appreciates the City of Corona calling to our attention that the kangaroo rat plan has been adopted. **Table 4.9-2** will be revised to indicate the aforementioned change.